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December 19, 1996

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VIA FEDERAL EXPRESS

FOR SETTLEMENT PURPOSES ONLY

Ms. Lynn Slugantz
RCRA Branch
U.S. EPA. Region VII
726 Minnesota Ave.
Kansas City, KS 66101

RE: Pennfield Animal Health, EPA ID No. NER0000000448
Notice of Violation (NOV) dated 11/6/96

Dear Ms. Slugantz:

As you are aware, this firm represents Pennfield Animal Health with respect to the above-referenced NOV. This letter is being provided to the EPA for settlement purposes only. Nothing contained herein shall be deemed an admission that any of the citations contained within the notice of violation have any basis in law or fact.

Since the notice of violation was received, Pennfield has taken the following steps:

(1) The name and telephone number of the emergency coordinator has been posted by the laboratory telephone, as well as the phone number of the fire department. The emergency response procedures and emergency response information have also been posted by the laboratory telephone. The telephone, as I understand it, is a convenient and common location for employees to seek information in the case of emergency;

(2) Drums containing hazardous wastes are being inspected for leaks and deterioration on a weekly basis (as a part of a standardized procedure of inspections established by Pennfield Animal Health); and

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RCRA PERMITTING & COMPLIANCE BRANCH
(RPCB)



R00051186
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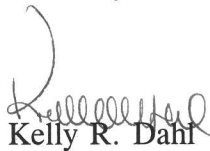
Ms. Lynn Slugantz
December 19, 1996
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(3) Pennfield Animal Health is working with Eric Swanson of the Douglas County Emergency Planning Office and Mike Mallory of the Nebraska Department of Environmental Quality to make arrangements with the local emergency planning committee, police, and other local emergency facilities with regard to the submission of Tier Two Forms and the cited requirements of Title III of SARA.

With regard to the citation concerning a treatment by evaporation, Pennfield takes issue with the inspector's interpretation of Pennfield's activities in this regard. However, Pennfield has not been handling any of its own since August of 1995. Pennfield presently is under contract with Safety Kleen to remove any laboratory waste for off site transport and disposal. Such wastes are not stored on the premises for more than 90 days and the facility is otherwise in compliance with Part 262 of the RCRA regulations.

If you have any questions concerning this matter, please feel free to contact me.

Sincerely,



Kelly R. Dahl
FOR THE FIRM

KRD/jnn
202272

cc: Greg Bergt
Pennfield Animal Health
14040 Industrial Road
Omaha, NE 68144